



THE CITY OF
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June 1, 2004

Betty J. Mattea, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 303
San Rafael, CA 94903

Dear Ms. Mattea:

The Novato City Council at their April 20, 2004 meeting had an agenda item to consider the Grand Jury Report entitled *Novato "Streetgate" – Time to Put it to Rest* dated March 9, 2004.

The City Council reviewed the report's findings and recommendations and have authorized the enclosed response to the Grand Jury Report.

At the April 20 meeting the City Council also formally thanked the Grand Jury for doing the investigation and preparing the report.

If you have any questions about the response to the Grand Jury report, please do not hesitate to contact the City Clerk, Shirley Gremmels at (415) 897-4311.

Sincerely yours,

Pat Eklund
Mayor

M/3764
Attachment

cc: Novato City Council

RESPONSE TO GRAND JURY REPORT FORM

Report Title: Novato "Streetgate" - Time to Put it to Rest

Report Date: March 9, 2004

Response by: Mayor and Councilmembers of the City of Novato

- We agree with the findings numbered: F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, and F-11.

F-7 and F-8 are not disputed, however, Council wished to provide the following comments:

F-7 The reference to a large maintenance construction project is based on a 9/29/95 City Council resolution limiting expenses to \$15,000 or less for City staff work. When a decision was first being considered and discussed to have the Public Works Department/Maintenance Division repave Celeste Court, an estimated amount of under \$13,000 was believed to be the total cost for City staff to perform the work. As the work progressed and there was more certainty regarding the extent of work to be done, a revised estimate of about \$14,500 was calculated. This would have been the total amount of the repaving work had it not been for a gas leak detected when the old pavement was removed. This resulted in a delay of four hours as PG&E came to the site to make repairs and the Novato Fire Protection District secured the area for public safety. The four-hour delay with the five person street maintenance crew onsite caused an increase of about \$1,000 to the cost of the repaving work. This pushed the total cost of the work to about \$15,500, or \$500 over the maximum limit.

Corrective measures have been implemented to ensure this type of situation does not occur in the future. Since the cost of the work by City forces is primarily driven by the amount of pavement placed, a threshold level of 150 tons of paving material has been set to prevent the cost from exceeding the \$15,000 limit. In the case of Celeste Court, the amount of paving material was close to 200 tons.

F-8 Council concluded that they agreed with Finding F-8, however, the Public Works Director is addressing the issue to ensure there is clear and constant communication between the Maintenance and Engineering Divisions.

- We disagree wholly or partially with the findings numbered: N/A

RECOMMENDATIONS

- Recommendations numbered R-3 and R-4 have been implemented.

R-3 Any street maintenance or reconstruction projects included in the CIP Budget, funded with Measure B funds, must be reviewed and approved by the City Council before any changes to the project are implemented.

R-4 As part of the Public Works Director's evaluation of his Department's operation, he is continuously addressing ways for increased and meaningful communications between the two Divisions.

- Recommendations numbered R-1 and R-2 have not yet been implemented, but will be implemented in the future.

R-1 Council agreed that R-1 recommendation would be implemented. The Measure B Oversight Committee has been replaced with a Streets Oversight Committee that is charged with reviewing all street capital projects funded by Measure B, Gas Tax or other funds. The Committee will work with the Finance Manager and Public Works Director to submit a semiannual report to the Novato City Council on project activity and cost. If the proposed Transportation Sales Tax initiative is placed on the ballot by the Marin County Board of Supervisors and approved by the voters, street projects funded from that source would be reviewed by the Streets Oversight Committee as well.

R-2 Council agreed that R-2 would be implemented. The City Council will continue to discuss ways to improve the process of responding to Councilmember requests to ensure transparency to each Councilmember and the public. The City Manager will ensure there is no undue pressure from the Council on any staff.

- Recommendations numbered R-5 will not be implemented because it is not warranted or not reasonable.

R-5 The City Council reviewed the advantages and disadvantages of televising City Council meetings and determined that the advantages far outweighed the disadvantages. Televising the meetings allows the public to see their government at work and provide for a more transparent process.

Date:

6/1/04

Signed:

Pat Steund, Mayor

Number of pages attached: (2)